BE IT RESOLVED AND ORDAINED, by the College Township Council, Centre County, Pennsylvania and the authority of the same, does hereby adopt, made this 21st day of September 2023, by amending the Code of the Township of College, Pennsylvania with the amendment of Chapter 109 as follows:

GENERAL REFERENCES
Fees — See Ch. A203.

§ 109-1 Definitions.
As used in this chapter, the following terms shall have the meanings indicated:

CONSUMER FIREWORKS
(1) the term includes an combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects by the construction, performance, composition and labeling requirements promulgated by the Consumer Projects Safety Commission in 16 CFR (related to commercial practices) or any successor regulations and complies with the provisions for “Consumer fireworks” as defined in APA 87-1, the sale, possession and use of which shall be permitted throughout this Commonwealth. (2) the term does not include devices such as “ground and hand-held sparkling devices”, “novelties” or “toy caps” in APA 87-1, the sale, possession and use of which shall be permitted at all times throughout this commonwealth.

DISCHARGE SITE
The area immediately surrounding the fireworks mortars used for an outdoor fireworks display.

DISPLAY SITE
The immediate area where a fireworks display is conducted, including the discharge site, the fallout zone and the required separation distance from mortars to spectator viewing areas, but not including the spectator viewing areas or vehicle parking areas.

FALLOUT ZONE
The designated area in which hazardous debris is intended to fall after a pyrotechnic device is fired.

FIREWORKS
Any device intended to produce visible and/or audible effects by combustion, deflagration or detonation, and which meets the definition of "consumer (Explosives 1.4G)", "theatrical and novelty (Explosives 1.4S)" or "display (Explosives 1.3G)" fireworks as set forth in the United States Department of Transportation's (DOT) Hazardous Materials Regulation, Title 49, Code of Federal Regulations (CFR), Parts 171-180.

MORTAR
A tube from which certain aerial devices are fired into the air.

NATIONAL FIRE PROTECTION ASSOCIATION (NFPA)
Organization which provides several standards that outline recommendations for the manufacture, storage, transportation and execution of fireworks.

PERSONAL/PRIVATE BENEFIT
For the purposes of this chapter, any time a fireworks display is to be put on by one person(s) to celebrate an event which has no relation to the surrounding community, is not put on by a local organization or is put on to celebrate a public holiday. The following events are considered to be for personal or private benefit, including but not limited to parties, weddings, barbeques or other event in which the general public is not invited.

PUBLIC BENEFIT
For the purposes of this chapter, any time a fireworks display is to be put on by an organization, group of individuals, public institution or government to celebrate an event or holiday where the general public is invited to attend.

§ 109-2 Consumer fireworks.
From and after the passage of this chapter, consumer fireworks as defined herein are prohibited with the following exceptions:

A. Sparklers.

B. Toy caps for use in toy pistols in which the devices contain 0.25 grains or less of explosive compound or toy cannons which operate on the principle of mixing calcium carbide, weighing less than 1/10th ounce, and water in the reservoir of the cannon and which ignition results upon the creation of a spark.

C. Model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models.

D. Those putting on fireworks displays as identified in § 109-3 shall be allowed to use consumer fireworks as part of the display following all applicable state regulations.

§ 109-2 Consumer fireworks.

A. Consumer fireworks shall be regulated as outlined in Title 3 Chapter 11 of the PA General Assembly with the following restrictions:

(1) Consumer fireworks may not be used between 10pm and 10am the following day.
B. Exceptions to use.

(1) On July 2, 3, and 4 and December 31, when consumer fireworks may be used until 1am the following day.

   a. When July 4 falls on Tuesday, Wednesday or Thursday, consumer fireworks may be used until 1am on the immediately proceeding and following Friday and Saturday.

   b. On Memorial Day, including the immediately preceding Saturday and Sunday, consumer fireworks may be used until 1am.

   c. On Labor Day including the immediately preceding Saturday and Sunday consumer fireworks may be used until 1am.

§ 109-3 Display fireworks.

From and after the passage of this chapter, display fireworks shall be permitted subject to the following requirements:

A. Nonprofit, not-for-profits or private entities wishing to provide a public benefit through celebration using fireworks shall be permitted with the following limitations:

   (1) An application for fireworks display must be completed.

   (2) Notification of residents within one-half mile radius of the fireworks display site fallout zone or through the newspaper of general circulation (Centre Daily Times). Notification does not need to be provided for any testing of the fireworks prior to the date of the actual display.

B. Private individuals or firms wishing to have a fireworks display for personal or private benefit shall be permitted to do so with the following limitations:

   (1) All conditions of § 109-3A shall be met.

   (2) Fireworks displays shall be allowed in all districts given that the fireworks shall be launched in a manner as to not be hazardous to any person or property following NFPA 1123, Code for Fireworks Display, and NFPA 1126, Standard for the Use of Pyrotechnics before a Proximate Audience.

   (3) Fireworks displays shall be put on by a professional, competent fireworks company or individual(s) trained to put on fireworks displays and shall follow all applicable state laws.

   (4) The fallout zone must be appropriately sized for aerial shells, the minimum required radius of the display site shall be 70 feet per inch (22 m/25 mm) of the internal mortar diameter of the largest aerial shell to be fired, as shown in NFPA 1123, "Code for Fireworks Display," Table 5.1. 3.1, as amended. [Amended 9-16-2021 by Ord. No. O-21-05]

   (5) The fallout zone and discharge site must be located at least 1,000 feet from any structure on adjoining property. If there are any structures within 1,000 feet of the display site, written permission from the property owners affected shall be required.

   (6) All residents within one mile radius of the fireworks display site fallout zone shall be provided a notice of intentions to have a fireworks display pursuant to § 109-3C.
C. Notification of all residents shall be provided no less than one week before the scheduled display. Indoor use of fireworks shall be exempted from this requirement. Notification may be given through notices handed out to all residents, mailing of the notices to all residences or through an advertisement in the Centre Daily Times. In any case, the notice shall give the following information:

(1) Name, address and phone number of individual, group or organization sponsoring the fireworks display;

(2) Name and phone number of contact person directly responsible for organizing the fireworks display;

(3) Reason for the fireworks display;

(4) Name, address and phone number of the company doing the fireworks display and;

(5) Name and phone number of the contact person at the fireworks company responsible for this particular fireworks display.

D. Along with the fireworks display application, the following needs to be completed and provided to the township:

(1) A copy of the certificate of insurance.

(2) Written permission from property owner for use of the property for fireworks display.

(3) Written permission from the State College police indicating their approval of the fireworks display.

(4) Written permission from Alpha Fire Chief indicating his approval of the fireworks display.

(5) A copy of the notice that will be sent to the residents or placed in the newspaper.

(6) A list of three references from the fireworks company, including the names, addresses and phone numbers of individuals/organizations responsible for organizing the referenced events.

(7) Graphic representation of the display site.

(8) Size of the largest shell to be used for the display.

E. Fireworks displays shall not be permitted to continue past 11:00 p.m. local time. [Added 4-5-2007 by Ord. No. O-07-08]

§ 109-4 Applicability.
Nothing in this chapter shall be construed to prohibit any of the following:

A. A licensed facility from selling any consumer fireworks or the year-round sale of any kind of consumer fireworks to out-of-state residents whose status is verified, provided the same are to be transported directly out of state by the seller or purchaser.

B. The manufacture, transportation or storage of fireworks at a manufacturing facility pursuant to 34 Pa. Code §§ 5.51 through 5.67.
C. The research, testing or development of pyrotechnic products.

D. The sale, transportation, handling or use of industrial pyrotechnic devices or fireworks such as railroad torpedoes, fuses, automotive, aeronautical and marine flares and smoke signals for signal or illumination purposes.

E. The sale and use of blank cartridges for use in a show or theater; for signal or ceremonial purposes; in athletics or sports.

F. The use of pyrotechnics in training by the fire service, law enforcement or similar government agencies.

G. The use of fireworks for agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage.

H. The use of fireworks or pyrotechnics for quarrying, blasting or other industrial purposes.

§109-5 Violations and penalties.
Any person violating any of the provisions of this chapter and all persons in charge or standing in loco parentis to any child or children who have not arrived at the age of criminal responsibility and who have violated any provisions of this chapter shall, upon conviction thereof before the District Magistrate, be subject to a fine as set by resolution by College Township Council.

§190-5 Violations and penalties.

Any person violating any of the provisions of this chapter and all persons in charge or standing in loco parentis to any child or children who have not arrived at the age of criminal responsibility and who have violated any provisions of this chapter shall, upon conviction thereof before the District Magistrate, be subject to a fine as set forth by resolution by College Township Council and consistent with the prescribed under Title 3 Chapter 11 as amended.

ENACTED AND ORDAINED this 21st day of September 2023.

ATTEST:                              COLLEGE TOWNSHIP COUNCIL:

_________________________________    ____________________________
Adam T. Brumbaugh                  Dustin Best

Adam Brumbaugh, Secretary          Dustin Best, Council Chair